



COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

- (A) This declaration is for an original application.
- (B) My residence, post office address and citizenship are as stated below, next to my name.
- (C) I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

DNA Constructs and Methods To Enhance The Production Of Commercially Viable Transgenic Plants

the specification of which is filed herewith unless the following box is checked:

was filed on 04/08/2004 ,
as United States Application Number 10/821,711
identified by attorney docket number 38-21(52967)B, and
was amended on (if applicable).

- (D) I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
- (E) I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.
- (F) I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Application No.	Country	Filing Date	Priority Claimed
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(G) I hereby claim the benefit under 35 U.S.C. § 119(e) of the following United States provisional applications:

60/461,459	04/09/2003	Abandoned
(Application No.)	(Filing Date)	(Status)

(H) I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(I) I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lawrence M. Lavin, Jr.	Reg. No. 30,768		
Thomas E. Kelley	Reg. No. 29,938	James W. Collett	Reg. No. 46,636
Donna E. Scherer	Reg. No. 34,719	David R. Marsh	Reg. No. 41,408
Bradley S. Kurtz	Reg. No. 53,165	Joel M. Freed	Reg. No. 25,101
Dennis R. Hoerner, Jr.	Reg. No. 30,914	Leslie L. Jacobs, Jr.	Reg. No. 40,659
Grace L. Bonner	Reg. No. 32,963	Molly A. Holman Ph.D	Reg. No. 40,022
Gary M. Bond	Reg. No. 29,283	Joanna Moore	Reg. No. 44,950
Pamela J. Sisson	Reg. No. 53, 600	Felissa H. Cagan	Reg. No. 35,089
F. Nikki Davis	Reg. No. 48,371	Lisa A. Penoyer	Reg. No. 51,204
Thomas P. McBride	Reg. No. 32,706	William Sekyi	Reg. No. 45,831
Joseph W. Ricigliano	Reg. No. 48,511	Holly L. Prutz	Reg. No. 47,755
Milan M. Vinnola	Reg. No. 45,979	Susan T. Evans	Reg. No. 38,443
Michael J. Rafa	Reg. No. 38,740	Lois Ruszala	Reg. No. 39,074
Guy V. Tucker	Reg. No. 45,302	Thomas E. Omholt	Reg. No. 37,052
Donald J. Silvert	Reg. No. 37,552	Dawn M. Gardner	Reg. No. 44,118
Danielle Edwards	Reg. No. 51,645	Thomas Holsten	Reg. No. 46,098
Kristan L. Lansbery	Reg. No. 53,183	Rachel Adams	Reg. No. 54,660

SEND ALL CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Gail P. Wuellner
Patent Department, E2NA; Monsanto Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167

(314) 694-4257

(J) **DECLARATION:** I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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X.Y. 7/1/2004

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